

COMMONWEALTH OF KENTUCKY  
NATURAL RESOURCES AND ENVIRONMENTAL  
PROTECTION CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WASTE MANAGEMENT  
14 REILLY ROAD  
FRANKFORT, KY 40601

PERFORMANCE BOND

Application Number: \_\_\_\_\_  
Permit Number: \_\_\_\_\_  
Permittee: \_\_\_\_\_  
Permittee Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Type of Financial Assurance:

\_\_\_\_\_ Cash Bond  
\_\_\_\_\_ Surety Bond (# \_\_\_\_\_)  
\_\_\_\_\_ Certificate of Deposit (# \_\_\_\_\_)  
\_\_\_\_\_ Letter of Credit (# \_\_\_\_\_)  
\_\_\_\_\_ Trust Fund (# \_\_\_\_\_)  
\_\_\_\_\_ Insurance Policy (# \_\_\_\_\_)  
\_\_\_\_\_ Other (# \_\_\_\_\_)

KNOW ALL PERSONS BY THESE PRESENTS, that the undersigned, \_\_\_\_\_, as Principal, is held and firmly bound unto the Natural Resources and Environmental Protection Cabinet in the penal sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_) which sum is herewith deposited by the submission of the financial assurance mechanism(s) identified above. The Principal posts this/these financial assurance mechanism(s) by and through its agent(s) as a guarantee that the provisions of the permit issued pursuant to Permit Number \_\_\_\_\_, all applicable laws, rules, and regulations will be observed and hereby bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is effective upon receipt by the Division of Waste Management (hereinafter Division).

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that, whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 224 and 401 KAR Chapters 47 and 48 did file with the Division, an application for a permit to construct and/or operate a solid waste site or facility in the Commonwealth of Kentucky; that in said application the Principal identified the area to be permitted as \_\_\_\_\_ acres, located in \_\_\_\_\_ County, at or near the community of \_\_\_\_\_; and whereas the above described area will be affected by the facility during the life of the permit and until the Principal has completed proper closure and closure care; and corrective action (if required), and the Cabinet, or, in the case of contained landfills, a professional engineer and the Cabinet, has certified the same. Furthermore, it is understood that the obligation under this bond extends to environmental degradation occurring off the permitted area but proximately resulting from the construction, operation or closure of the solid waste site or facility.

Now, if said \_\_\_\_\_, as Principal, shall faithfully perform all the requirements of the above designated application, the permit issued pursuant thereto and the applicable laws, rules, and regulations, and the terms of this bond, then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, upon receipt of an Order of the Cabinet.

PRINCIPAL: \_\_\_\_\_ BY: \_\_\_\_\_

OFFICIAL POSITION: \_\_\_\_\_ DATE: \_\_\_\_\_

Subscribed and sworn to before me by \_\_\_\_\_

this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public, State-at-Large

My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

### **Instructions:**

This form may be executed as written or may be modified in accordance with 401 KAR 48:310, Section 8 as follows. The permittee may execute two separate performance bonds--one for closure, and one for closure care and corrective action (if required). The closure only performance bond shall delete the language "and closure care; and corrective action (if required)" on page 2. The closure care only performance bond shall delete the words "proper closure and" from the same sentence. The form may be retyped or these words may be struck through and initialed by the principal and a representative for the Cabinet. All other terms must remain the same. If the principal executes two separate performance bonds for the facility, both performance bonds must be executed prior to issuance of the permit.

This page contains instructions only and may be removed prior to submitting completed performance bond to the Cabinet.